

Warren County, NJ

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

WARREN COUNTY

Employer

and

Case 22-WH-110912

**AFSCME COUNCIL 73,
LOCALS 671 and 3287**

Petitioner

**AMENDED CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On August 8, 2013, AFSCME Council 73, Locals 671 and 3287 (Petitioner) filed with the Regional Director for Region 22 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 207(b).

On September 5, 2013, the Acting Regional Director served on the parties a Notice to Show Cause why the Board should not grant the request. No response was filed. On May 20, 2014, the Regional Director transmitted the proceeding to the Board with his recommendation to grant the Petitioner's request to be certified as a bona fide representative for employees in a bargaining unit of all blue and white collar supervisory employees employed by the County of Warren in the classified service in any permanent position, including provisional employees. On June 24, 2014, the Board issued a Certification of Representative as Bona Fide under Section 7(b) of the FLSA, as recommended.

Thereafter, both the Petitioner and the Employer notified the Regional Director for Region 22 that the request for certification had been filed on behalf of

both AFSCME Local 671 and Local 3287, and that the certification mistakenly excluded Local 3287, which represents a unit of non-supervisory employees covered by a collective-bargaining agreement between the parties.

On November 10, 2015, the Petitioner filed with the Board a motion to amend the certification. The documents submitted in conjunction with the motion demonstrate that this motion is supported by both the Employer and the Petitioner.¹ Accordingly, we grant the motion to amend, and set forth the amended certifications below.

The National Labor Relations Board hereby certifies that AFSCME Council 73 and Local 671 are bona fide representatives, for purposes of Section 7(b) of the FLSA, of the employees of Warren County, New Jersey, in the following unit:²

All blue and white collar supervisory employees employed by the County of Warren in the classified service in any permanent position, including provisional employees, as set forth in Schedule A; excluding all non-supervisory employees, managerial executives, confidential, and police employees within the meaning of the New Jersey Employer-Employee Relations Act, employees included in any other collective negotiations unit, and all other employees of the county.

The National Labor Relations Board hereby certifies that AFSCME Council 73 and Local 3287 are bona fide representatives, for purposes of

¹ The record indicates that the Employer is a public sector employer and that the Employer and the Petitioner have been parties to at least two collective-bargaining agreements.

² A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).

Section 7(b) of the FLSA, of the employees of Warren County, New Jersey,
in the following unit:³

All blue and white collar Non-supervisory employees employed by the County of Warren in the classified service in any permanent position, including provisional employees, as set forth in Schedule A; excluding all managerial executives, supervisors, confidential, and police employees within the meaning of the New Jersey Employer-Employee Relations Act, employees included in any other collective negotiations unit, and all other employees of the county.

Dated, Washington, D.C., December 4, 2015.

By direction of the Board:

Gary Shinnors

Executive Secretary

³ As noted above, a certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, supra.